

THE NATIONAL TRUST FOR SCOTLAND (GOVERNANCE ETC.) ACT 2013

EXPLANATORY NOTES

THE ACT

3. The National Trust for Scotland for Places of Historic Interest or Natural Beauty (“the Trust”) is established by private Act of Parliament under the National Trust for Scotland Order 1935 (in the Act called “the 1935 Order”), as confirmed by the National Trust for Scotland Order Confirmation Act 1935, which incorporated the Trust under statute and provided a detailed constitution for its governance. Amendments have been made by subsequent private Acts in 1938, 1947, 1952, 1961 and 1973 (in these Notes together called “the subsequent Acts”).
4. The Act affects only the 1935 Order and does not amend or affect the provisions of the subsequent Acts. The subsequent Acts dealt only with the following matters:-
 - The 1938 Act extended the objects and powers of the Trust, permitted the Trust to allow its properties to be occupied by Trust members, granted local authorities the power to convey property to the Trust, permitted agreements to be entered into restricting the use of land, and modified section 33 of the 1935 Order which is concerned with byelaws.
 - The 1947 Act further extended the powers of the Trust and stipulated how those powers could be exercised.
 - The 1952 Act extended the Trust’s powers of investment, which also required the partial repeal of section 28 of the 1935 Order which relates to the application of revenue.
 - The 1961 Act inserted new provisions relating to the subscriptions payable by ordinary members (which also involved making consequential repeals in sections 14 to 16 of the 1935 Order), further modified the provisions relating to byelaws in sections 33 to 35 of the 1935 Order, and amended section 21 of the 1935 Order so as to allow the council to set criteria for the re-election of council members.
 - The 1973 Act further modified the Trust’s powers of investment, and amended section 21 of the 1935 Order so as to permit the creation of a finance committee and an investment committee, and so as to regulate how different documents may be executed by the Trust.
5. The Act is intended to complete the implementation of reforms agreed in 2010 to modernise and streamline the governance of the National Trust for Scotland (in the Act called “the Trust”) and will also clarify the use of the abbreviated name by which the Trust is known.
6. In 2009 a formal review of the Trust’s governance was established, chaired by The Rt Hon Sir George Reid (“the Reid review”). The Reid review published its report “*Fit for Purpose – Report of the Strategic Review of the National Trust for Scotland*” in autumn

These notes relate to the The National Trust for Scotland (Governance etc.) Act 2013 (asp 9) which received Royal Assent on 28 June 2013

2010.¹ This made a number of recommendations for reform of the Trust's governance, and the recommendations were accepted in their entirety by the Trust's members at the Trust's Annual General Meeting in September 2010.

7. The majority of the recommendations made by the Reid review could be (and have already been) given effect to by the Trust, either acting through its members in AGM or acting through its governing body, the council (also known as the Board of Trustees). However, amendment of the Trust's founding legislation is necessary to amend certain aspects of the Trust's governance where the founding legislation is prescriptive.

1 Fit for Purpose: Report of the Strategic Review of the National Trust for Scotland – available at www.nts.org.uk/legislation